

REMARKS

This is in full and timely response to the Decision on Rehearing dated December 20, 2011.

Support for the claims may be found variously throughout the specification. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Claim rejection

i. This amendment includes the cancellation of the rejected claims.

While not conceding the propriety of this rejection and in order to advance the prosecution of the instant application, this amendment includes the cancellation of the rejected claims.

Withdrawal of this rejection is respectfully requested.

Newly added claims

ii. Newly added claim 79 has claims 80-97 dependent thereon.

Claim 79 is drawn to a display comprising:

{Sig} number of signal lines configured to receive signal potentials;

{Gen} number of general driver circuits, each of the general driver circuits having
{G-out} number of output terminals configured to provide said signal potentials to
{G-out} number of the signal lines; and

only one fraction driver circuit having {F-out} number of output terminals, said
fraction driver circuit being configured to provide said signal potentials to {F-out}
number of the signal lines,

wherein $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$, with:

{Sig} being the total number of said signal lines that are configured to receive
said signal potentials,

{Gen} being an integer value greater than one,

{G-out} being an integer value greater than one, and

{F-out} being an integer value greater than one but less than {G-out}.

i. Standards of review.

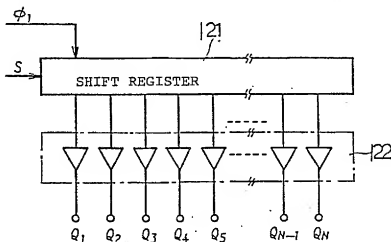
The Patent and Trademark Office may not, because it may doubt that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis. *In re Warner and Warner*, 154 USPQ 173, 178 (CCPA 1967).

There is a cooperative relationship between the various elements in the claims. *Illinois Tool Works, Inc. v. Continental Can Company, Inc.*, 14 USPQ 401, 420-21 (N.D. Ill. 1967).

In this regard, the burden of establishing a novel, nonobvious functional relationship between all elements within the claims on appeal rests with the PTO. *In re Lowry*, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994)(*Board reversed*).

ii. U.S. Patent No. 4,825,203 (Takeda).

Figure 3A of Takeda is provided hereinbelow.



A. Takeda fails to disclose, teach, or suggest {F-out} being an integer value greater than one but less than {G-out}.

Figure 3A of Takeda depicts seven outputs that include Q_1 - Q_5 , Q_{N-1} and Q_N .

However, in the absence of a fixed number of outputs being set forth within Takeda, the specific number of outputs within Figure 3A of Takeda without the benefit of hindsight is indeterminable at best.

As a consequence, Figure 3A of Takeda fails to teach, {F-out} being an integer value greater than one but less than {G-out}, while also maintaining the relationship of:

$$\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}, \text{ with } 1 < \{\text{Gen}\}; 1 < \{\text{F-out}\} < \{\text{G-out}\}.$$

B. Takeda fails to disclose, teach, or suggest the claimed relationship of $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$.

Inherency requires that the missing descriptive material is “necessarily present,” not merely probably or possibly present, in the prior art.” *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002).

Here, claim 79 provides that $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$, with $\{\text{Sig}\}$ being the total number of signal lines that are configured to receive signal potentials.

However, Takeda discloses an indeterminable number $\{N\}$ being the total number of signal lines (Q) that are configured to receive signal potentials.

Being that the total number of signal lines in Takeda is $\{N\}$, the skilled artisan would have considered the total number of signal lines in Takeda to have been indeterminable.

In this regard, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

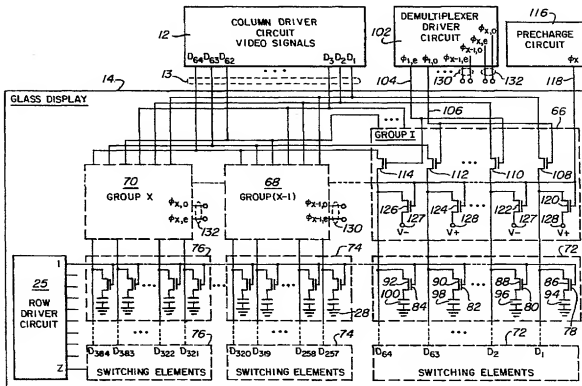
The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Oelrich and Divigard*, 212 USPQ 323, 326 (CCPA 1981)(*decision of the Board affirming a rejection based on anticipation is reversed*).

Within claim 79, $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$.

Takeda does not give a reason as the source of this claimed relationship. *In re Sheppard*, 144 USPQ 42, 46 (CCPA 1964)(*Board reversed*).

iii. U.S. Patent No. 5,426,447 (Lee).

Figure 2 of Lee is provided hereinbelow.



A. Lee fails to disclose, teach, or suggest only one fraction driver circuit having {F-out} number of output terminals configured to provide said signal potentials to {F-out} number of the signal lines, {F-out} being an integer value greater than one but less than {G-out}.

Lee teaches that in actuality there would be 64 such switching elements if the X groups were six groups and the total number of columns used was 384 columns (Lee at C.5, L.54-57).

However, Lee fails to disclose, teach, or suggest only one fraction driver circuit having {F-out} number of output terminals, with {F-out} being an integer value greater than one but less than 64, especially when each of the six groups within Lee has 64 outputs ($6 \times 64 = 384$).

iv. U.S. Patent No. 4,745,406 (Hayashi).

Figure 1 of Hayashi is provided hereinbelow.

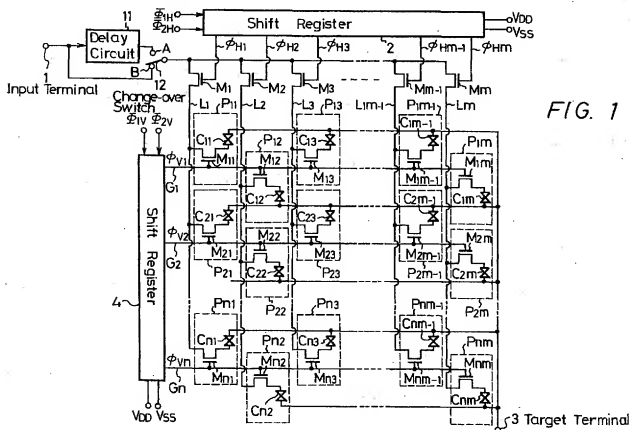


FIG. 1

A. Hayashi fails to disclose, teach, or suggest {F-out} being an integer value greater than one but less than {G-out}.

Drive pulse signals $\phi_{H1}, \phi_{H2}, \dots, \phi_{Hm}$, which are derived from the respective output terminals of this shift register 2 and sequentially scanned by the clock signals ϕ_{1H}, ϕ_{2H} , are supplied to the respective control terminals of the switching elements M_1 to M_m .

However, in the absence of a fixed number of outputs being set forth within Hayashi, the specific number of outputs within Hayashi without the benefit of hindsight is indeterminable at best.

B. Hayashi fails to disclose, teach, or suggest the claimed relationship of $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$.

Inherency requires that the missing descriptive material is “necessarily present,” not merely probably or possibly present, in the prior art.” *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 63 USPQ2d 1597, 1599 (Fed. Cir. 2002).

Here, claim 79 provides that $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$, with $\{\text{Sig}\}$ being the total number of signal lines that are configured to receive signal potentials.

However, Hayashi discloses an indeterminable number $\{N\}$ being the total number of signal lines that are configured to receive signal potentials.

Being that the total number of signal lines in Hayashi is $\{m\}$, the skilled artisan would have considered the total number of signal lines in Hayashi to have been indeterminable.

In this regard, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *In re Oelrich and Divigard*, 212 USPQ 323, 326 (CCPA 1981)(*decision of the Board affirming a rejection based on anticipation is reversed*).

Within claim 79, $\{\text{Sig}\} = (\{\text{Gen}\} \times \{\text{G-out}\}) + \{\text{F-out}\}$.

Hayashi does not give a reason as the source of this claimed relationship. *In re Sheppard*, 144 USPQ 42, 46 (CCPA 1964)(*Board reversed*).

Allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 C.F.R. §1.104(d)(2), M.P.E.P. §2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Conclusion

This response is believed to be a complete response to the Office Action.

Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance.

Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: February 24, 2012

Respectfully submitted,

By 

Christopher M. Tobin

Registration No.: 40,290

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorney for Applicant